ARTICLE 2 LAND USE CHANGE PERMIT

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ARTICLE 2 LAND USE CHANGE PERMIT

Section 2-101 Applicability. The requirement for a Land Use Change Permit and the permit provisions set forth in this Article apply to any proposed change in land use, including divisions of land, for property located in unincorporated [*County*].

Section 2-102 Permit Required for Land Use Changes. Any person seeking a change in land use shall obtain a Land Use Change Permit before commencing the use or activity associated with the land use change, unless the proposed use or activity is expressly exempted under Section 2-104, *Exemptions from Land Use Change Permit Requirements*. Failure to obtain a Land Use Change Permit shall be a violation of the [*County*] Land Use Code and subject to the enforcement provisions in Article 12, *Enforcement, Violations and Penalties*.

- A. Land Use Changes Other Than Division of Land. For land use changes that do not involve division of land, approval of the proposed land use change in compliance with these Regulations constitutes a Land Use Change Permit.
- **B.** Land Use Changes Involving Division of Land. For land divisions, approval of Final Plat for Subdivision, Subdivision Exemption Plat or Cluster Subdivision Exemption Plat shall constitute a Land Use Change Permit.
- **C. Signs.** A sign permit constitutes a Land Use Change Permit.

Section 2-103 Permit Runs With the Land. Any Land Use Change Permit for land use approved in compliance with this Code shall be binding upon and run with the land.

Section 2-104 Exemption from Land Use Change Permit Requirements. The following uses and activities are exempt from the requirement to obtain a Land Use Change Permit if the proposed use or activity complies with applicable zone district regulations and use restrictions set forth in Article 3, *Zoning*. Exemption from Land Use Change Permit requirements is not an exemption from other federal, state and local permit requirements applicable to the proposed development or land use including, without limitation, building permits, Floodplain Development Permit, access and grading permits.

[NOTE: Following are examples of uses and activities that could be exempted from the Land Use Change Permit review process.]

- **A. Single Family Dwelling**. One single-family dwelling per legally established lot in compliance with these Regulations.
- **B.** Accessory Structure to Single Family Dwelling. Construction of sheds and other structures smaller than [120 square feet] in size that are Accessory Structures to the single-family dwelling, in compliance with these Regulations.
- **C.** Excavation of Less Than [500 Cubic Yards]. Excavations of less than [500 cubic yards] of material.
- **D. Traditional Agricultural Operations**. Traditional agricultural operations conducted in areas zoned [Agricultural], including the following.
 - **1.** Production, cultivation, growing and harvesting of crops and plants.
 - **2.** Raising and breeding livestock, excluding confined animal feed lot operations.
 - **3.** Harvesting, storage, grading, packaging, processing distribution and sale of agricultural commodities occurring at the point of production.
 - **4.** Construction of sheds, outbuildings and other accessory structures smaller than [120 square feet] in size that are necessary to agricultural operations.
 - **5.** Construction of internal roads, ponds, dams and ditches necessary to agricultural operations.
 - **6.** Construction of Accessory Structures smaller than [120 square feet] in size that are associated with agricultural operations.

Section 2-105 Levels of Permit Review for Land Use Change Permits. Land Use Change Permits are subject to different levels of review, as follows:

A. Land Use Changes Other Than Division of Land. Unless otherwise exempted from review under these Regulations, a change in land use that does not involve division of land is subject to one of the following three levels of review, according to the level of impact. The level of review for specific land use is set forth in Article 3, Section 3-501, *Use Table*.

- 1. Administrative Review Process. A change in land use that will have insignificant impact is subject to the Administrative Review Process set forth in Article 4, Section 4-201.
- 2. Limited Impact Review Process. A change in land use that will have limited or minimum impact is subject to the Limited Impact Review Process set forth in Article 4, Section 4-202.
- 3. Major Impact Review Process. A change in land use that will have significant impact is subject to the Major Impact Review Process set forth in Article 4, Section 4-203.
 - a. Triggers for Major Impact Review. Major Impact Review shall be required for *any* use or property that includes the following elements.
 - (1) **Traffic.** The use will generate peak trip loading in excess of [50] peak hour trips per lot.
 - (2) Occupancy. The use has an occupant load greater than or equal to 100 persons per lot.
 - (3) Wastewater Demand. The use will generate a wastewater flow of 2,000 gallons per day per lot or greater.
 - (4) Storage of Hazardous Materials. The use will include either storage or generation of more than fifty (50) gallons of hazardous materials.
- B. Land Use Changes Involving Division of Land.
 - Subdivision. Unless otherwise provided by these Regulations, division of land shall be classified as Minor Subdivision or Major Subdivision, based upon the level of impact.
 - a. Minor Subdivision Review Process. Division of land considered to be minor subdivision pursuant to Article 5, Section 5-201 shall be subject to the Minor Subdivision Review Process, which is an abbreviated subdivision review process set forth in Article 5, Section 5-401.

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- b. Major Subdivision Review Process. Division of land considered to be major subdivision pursuant to Article 5, Section 5-202 shall be subject to the Major Subdivision Review Process set forth in Article 5, Section 5-402.
- **2. Exempt Subdivision.** A request for exemption from subdivision regulations shall be subject to the review process set forth in Article 5, Section 5-501.
- 3. Other Divisions of Land. Rural Land Use Cluster Development and Conservation Subdivision are exempt from subdivision regulations, and are subject to review processes set forth in Article 5, Section 5-601.
- **C. Overlay District.** Unless otherwise provided by these Regulations, a change in land use subject to an overlay district shall be subject to the review process required by the underlying zone district.
- **D. PUD.** A change in land use which proposes a PUD shall be subject to the PUD Plan Review process set forth in Article 6, *Planned Unit Development*. The regulatory provisions for PUD set forth in this Code are pursuant to Title 24, Article 67, C.R.S.
- **E. Signs.** Signs shall be subject to a specific review and approval process set forth in Article 11, Division 2 of this Code.